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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 DEANDRE SIMMONS,
15 Defendant.
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Case No.: 14cr2074-LAB/
18cv1800-LAB

**ORDER DENYING MOTION
UNDER 28 U.S.C. SECTION
2255**

17 Defendant Deandre Simmons pled guilty to conspiracy to commit sex
18 trafficking of a minor in violation of 18 U.S.C. § 1594 and was sentenced to 68
19 months' imprisonment, followed by ten years of supervised release. Now, over
20 three years later, he has filed an untimely motion under 28 U.S.C. § 2255 to reduce
21 the term of his supervised release.

22 Simmons argues that the law does not permit a ten-year term of supervised
23 release, citing 18 U.S.C. § 3583(b). Besides being time-barred, his motion fails on
24 the merits. Under 18 U.S.C. § 3583(k), the minimum period of supervised release

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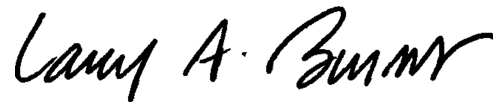
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1 for this crime is five years, and supervised release for any greater period up to life
2 is authorized.

3 The motion is **DENIED**.

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5 **IT IS SO ORDERED.**

6 Dated: August 2, 2018

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Hon. Larry Alan Burns
9 United States District Judge